

**CITY COUNCIL MEETING
CITY OF WATERTOWN
September 17, 2012
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham

Also Present: Sharon Addison, City Manager
Robert J. Slye, City Attorney

City staff present: Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Chief Herman, Amy Pastuf, Beth Morris, Erin Gardner, Peter Keenan, Pat Keenan, Gene Hayes, Barbara Wheeler, Brian Phelps, Kathy Webster

The City Manager presented the following reports to Council:

- Resolution No. 1 - Approving a Special Use Permit Request for a Remote Accessory Parking Lot at 203 Clinton Street, Parcel 10-08-122, to Serve the Existing Office Building at 316 Sherman Street, Parcel 10-08-124
- Resolution No. 2 - Authorizing Public Auction for Sale of City Owned Properties
- Resolution No. 3 - Authorizing Public Sale of City Owned Tax Sale Certificates
- Resolution No. 4 - Reappointment to the Development Authority of the North Country Board, Thomas H. Hefferon
- Ordinance No. 1 - Amending City Municipal Code Section 293-61, Schedule XIII, Parking Prohibited at All Times
- Ordinance No. 2 - Changing the Approved Zoning Classification 203 Clinton Street, Parcel 10-08-122, from Residence A to Limited Business
- Ordinance No. 3 - Changing the Approved Zoning Classification of 24 Properties, Between Coffeen Street and the Black River, in Order to Conform to The Local Waterfront Revitalization Program
- VL Huntington Street
- Masonic Temple
- Whitewater Park Deck
- Maple Courts Apartments PILOT
- Letter from Thousand Islands Area Habitat for Humanity
- Board and Commission Appointments
- Sales Tax Revenue – August 2012
- Executive Session - To discuss the employment history of a particular individual.

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of September 4, 2012 and the work session of September 10, 2012 was dispensed and accepted as written by motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

COMMUNICATIONS

A letter was received from Thousand Islands Area Habitat for Humanity in regards to interest in the properties located at 507-509 Holcomb Street, 611-613 Olive Street and 259 Seymour Street which are included in an upcoming public auction.

A letter was received from Andrew Capone, Capone Law Firm, LLP representing Fort Drum Storage, LP in regards to an offer to purchase at private sale the parcel of real property identified as 753 West Main Street for the amount of \$17,776.37.

Above communication was placed on file in the office of the City Clerk.

PRESENTATION

Significant Years of Service Awards

Mayor Graham interrupted the regular course of business to present certificates to employees for their significant year of service. The employees completing 25 years of service were Eugene Hayes, Superintendant of Public Works, Patrick Keenan, Street and Sewer Maintenance Supervisor, and Kathy Webster, Transit Supervisor. The employee completing 30 years of service was Richard Harra, Street and Sewer Maintenance Supervisor. The employee completing 35 years of service was Michael Blair, Parks and Recreation Maintenance Worker.

Fireball Run

Ms. Addison showed a video showcasing the history and highlights of Watertown featuring Mayor Graham and Lynn Pietroski, President and CEO of the Watertown Chamber of Commerce.

Mayor Graham thanked the Chamber of Commerce for making the City of Watertown a part of the Fireball Run which will be held on September 25, 2012.

PRIVILEGE OF THE FLOOR

Mayor T. Urling Walker, 1170 Ives Street addressed the chair concerned over the status of the Masonic Temple. He stated that Mr. McCarthy who purchased the building needs a certain amount of time and support from the Council in order to put his program together for construction and financing. He added that it would benefit the City to support Mr. McCarthy in his efforts because it is going to cost a lot to fix it up otherwise the City may end up with the cost of tearing it down. He pointed out that it is a landmark and a lot of people in the community would like to see it reinstated for public and private use.

Don Alexander, 445 Lachenauer Drive read from a prepared statement stressing that the community needs to protect its heritage largely identified by the condition of its legacy buildings. He said that the Masonic Temple is one of the most architecturally important remaining pieces of the community heritage and desires serious consideration by this body as it moves forward. He understands that the Code Enforcement Officer is rightly concerned for the safety of the citizens but an action such as this may send the wrong message at the wrong time to potential developers. He stressed the stabilization plan should be a priority and requests the City to be active in the development of a plan and extend the time frame for the condemnation of the building.

Don Lester, resides just outside of the City and told Council that the Black River is a fantastic resource. He thanked Mayor Graham and Council Member Burns for voting no on the City accepting the waste fracking fluid from Pennsylvania. He indicated that Pennsylvania has been a long champion of hydrofracking and should find a place within its own the state to deal with the fracking fluid. He asked Council to give this issue more consideration once the moratorium ends in New York State.

Garret McCarthy, Henderson stated that he is the owner of the Masonic Temple and thanked everyone for their patience with this project because it is in its early stages. He reviewed the process and his reasoning for buying the building and said he is trying to find the right adaptive use for it. He stressed that he has been active contacting major corporations, university presidents as well as entities in New York City for business plans that make sense. He understands the concerns of code enforcement and intends to address the crumbling veneer. He told Council that an engineering firm did an extensive walk through today to identify the weak spots, what needs to be patched and develop the overall construction project. He noted that this is coming at a very personal cost in terms of time and resources but there is value in how vital this property is to Watertown's heritage.

Shelia Barney Pullis told Council that she is helping Mr. McCarthy as to what can be done with the building. She noted that the building is beautiful and structurally sound but the façade is deteriorating. She stated that she has spoken to veterans, the American Legion, and individuals at the local, state and national levels in regards to arts and recreation. She added that she has contacted people in the acting field to get them involved. She stressed that people need to reach out for help and sponsors.

Andrew Capone, Capone Law Firm told Council that he is here representing Fort Drum Vehicle Storage because the City acquired the tax sale certificate for 753 West Rear Main Street. He indicated that they have made an unconditional offer to buy the property at private sale for the amount of the unpaid taxes plus any expenses expended by the City in that purchase. He mentioned that the income from this business flows back out into the community creating a large amount of revenue for the City through sales taxes.

Joanne Sanchez, owner of Fort Drum Vehicle Storage told Council that her business is a full service indoor storage facility giving everyone a chance to store their vehicles the way they would like to store them. She explained that some customers want their vehicles repaired, detailed or registered while they are stored and they utilize local businesses. She mentioned that some Canadian customers store RV's with them. She also pointed out that she works with soldier's families by recommending places to stay, eat and/or shop.

Charlene Williams, Chief Financial Officer for Fort Drum Vehicle Storage reviewed the business's financials highlighting the amount of money paid to local businesses. She explained that approximately \$465,290 was expended in Watertown during 2011-2012 and that \$138,259 of the \$174,055 spent on employees, was for Watertown employees. She further explained that since they have vacated the premises, they have spent \$35,796 in another community closer to where the cars are currently stored. She pointed out that a local business such as Schorr's was paid \$5,172 for detailing work.

Donald Hassig, addressed Council regarding the chemicals causing cancer and other chronic diseases which has lead to the development of resolutions in other counties such as St. Lawrence County. He defined persistent organic pollutants (POPS) and gave examples of when they are used and their effects. He stated that the exposure to children must be minimized and told Council that he will be emailing a proposed resolution for their consideration at the next meeting.

RESOLUTIONS

Resolution No. 1 - Approving a Special Use Permit Request for a Remote Accessory Parking Lot at 203 Clinton Street, Parcel 10-08-122, to Serve the Existing Office Building at 316 Sherman Street, Parcel 10-08-124

Introduced by Council Member Jeffrey M. Smith

WHEREAS Brian Jones of Aubertine & Currier, on behalf of RCAN LLC, has requested a Special Use Permit for a remote accessory parking lot at 203 Clinton Street, parcel 10-08-122, to serve the existing office building at 316 Sherman Street, parcel 10-08-124, and

WHEREAS the Planning Board of the City of Watertown reviewed the request for a Special Use Permit at its meeting held on September 4, 2012, and recommended that the City Council of the City of Watertown approve the request as submitted, and

WHEREAS a public hearing was held on the proposed Special Use Permit on Tuesday, September 4, 2012, after due public notice, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part II and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed Special Use Permit to allow a remote accessory parking lot at 203 Clinton Street, parcel 10-08-122, to serve the existing office building at 316 Sherman Street, parcel 10-08-124, is an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that a Special Use Permit is hereby granted to RCAN LLC for a remote accessory parking lot at 203 Clinton Street, parcel 10-08-122, to serve the existing office building at 316 Sherman Street, parcel 10-08-124, contingent upon the approved zoning classification of the subject property being changed to Limited Business District.

Seconded by Council Member Joseph M. Butler, Jr.

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing resolution for Monday, October 1, 2012 at 7:30 p.m. Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Resolution No. 2 - Authorizing Public Auction for Sale of City Owned Properties

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown owns certain lots of land acquired at Tax Sale and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>
1-10-307.000	100 Alexandria Avenue
1-10-308.000	101 Alexandria Avenue
1-10-310.000	103 Alexandria Avenue
12-05-208.000	1 Boyd Place
06-06-315.000	606 Factory Street
11-12-130.001	VL Flower Avenue East
10-17-116.000	507 Holcomb Street
06-06-321.000	660 Huntington Street
01-14-201.000	753 Rear Main Street West
01-03-105.000	729 Morrison Street
06-07-217.000	611 Olive Street
12-06-208.000	221 Rutland Street South

03-09-303.000	259 Seymour Street
05-01-103.000	1407 State Street
3-09-101.000	36 Stuart Street
1-24-202.000	59 Woodley Street
1-24-201.000	60 Woodley Street

And,

WHEREAS title said land has been retained by the City of Watertown, and

WHEREAS the City Council deems the properties to be excess and not required for any City purposes, and

WHEREAS the City Council desires to ensure that properties such as those listed above be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the parcels of land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 6:00 p.m. on the 10th day of October, 2012, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder and there present, under the conditions herein set forth:

The aforesaid parcels are conveyed, together with all rights and privileges affecting the same, and also together with all buildings, improvements and appurtenances located upon said described parcels, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to accept bids for said parcels, in an amount not less than the minimum price set below, subject to the rights of the said City Council to reject any and all bids, and

<u>Parcel Number</u>	<u>Address</u>	<u>Minimum Bid</u>
1-10-307.000	100 Alexandria Avenue	\$ 100
1-10-308.000	101 Alexandria Avenue	\$ 100
1-10-310.000	103 Alexandria Avenue	\$ 100
12-05-208.000	1 Boyd Place	\$ 100
06-06-315.000	606 Factory Street	\$ 1,000
11-12-130.001	VL Flower Avenue East	\$ 100
10-17-116.000	507 Holcomb Street	\$ 1,000
06-06-321.000	660 Huntington Street	\$ 1,000

01-14-201.000	753 Rear Main Street West	\$ 20,000
01-03-105.000	729 Morrison Street	\$ 100
06-07-217.000	611 Olive Street	\$ 1,000
12-06-208.000	221 Rutland Street South	\$ 1,000
03-09-303.000	259 Seymour Street	\$ 1,000
05-01-103.000	1407 State Street	\$ 1,000
3-09-101.000	36 Stuart Street	\$ 100
1-24-202.000	59 Woodley Street	\$ 100
1-24-201.000	60 Woodley Street	\$ 100

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 per cent (10%) of the bid price at the same time of each said successful bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said parcels of land shall be then sold to the successful bidder for cash or certified funds only, and

BE IT FURTHER RESOLVED that the Notice of Sale, any offer to purchase, and any deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of the City's delivery of the deed to the buyer, the City shall have the right to seek reversion of title to the City, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any parcel prior to the public sale of said parcels.

Seconded by Council Member Joseph M. Butler, Jr.

Prior to the vote on the foregoing resolution, Council Member Jeffrey M. Smith mentioned Neighbors of Watertown is interested in 259 Seymour Street and suggested removing this property from the auction because the end product of the Neighbor's program would be a great investment in that street.

Motion was made by Council Member Jeffrey M. Smith to amend the resolution to exclude the 259 Seymour Street property in order to give the property to the Neighbors of Watertown. Motion was seconded by Council Member Joseph M. Butler, Jr. and defeated with all voting nay except for Council Member Jeffrey M. Smith and Council Member Joseph M. Butler, Jr. voting yea.

In regards to the presentation on 753 West Rear Main Street, Council Member Burns asked how many employees were employed by Fort Drum Vehicle Storage.

Ms. Williams replied that the number varies between 12-35 depending if there is a deployment occurring. She indicated that there are 12 permanent employees.

Council Member Burns asked how long she has been in business at this location.

Ms. Williams stated seven years.

Council Member Burns commented that she was prepared to send this property to auction but did not understand that this business employed so many people and affected other local business.

Motion was made by Council Member Roxanne M. Burns to amend the resolution to remove the 753 West Rear Main Street property. There was no second.

Council Member Butler remarked that he takes no pleasure in his position but feels Council needs to uphold the process to protect the tax payers. He pointed out that the owners had three years to pay the property taxes on this building. In regards to the importance of the economic impact, paying a business's taxes should be one of the most important things. He stated that sending this to auction is a matter of principle and upholds the standard that Council adheres to. He stressed that giving this property back would tell every taxpayer that missed their tax payments that they should have come to Council and ask for special treatment.

Mayor Graham added that when a property goes through a tax sale, any debts or liens against that property become absolved.

In regards to 606 Factory Street, Mayor Graham remarked that he went and looked at the outside which is in bad shape. He mentioned that in order for anyone to view the inside, an exterminator would have to used and advised deleting this property so that it could be demolished.

Council Member Burns asked how much an exterminator would cost.

Mayor Graham replied that the cost would be approximately \$800 and that does not guarantee that every insect is gone.

Council Member Butler asked if that work would be hired out.

Ms. Addison responded that two bids would have to go out.

Mayor Graham reminded Council that this property still needs to be cleaned out if it goes to auction.

Council Member Burns stated that she does not see a potential reuse for the building and relies on the professionals that state it is in horrible condition. She indicated that she is not going to ask the taxpayers to pay \$800 to fumigate the building so that she can walk through it. She asked Council how reasonable it is that a developer is going to redevelop a building in that area and condition. She said that she sees it as blight in that neighborhood.

Council Member Macaluso commented that she has no objections to tearing it down.

Council Member Butler stated that he agreed with Council Member Burns but does not see the

harm in letting it going to auction first.

Council Member Smith told Council that the wooden addition is the bad part but the brick walls are straight. He added that this is an opportunity for the free market.

Motion was made by Mayor Jeffrey E. Graham to amend the resolution to delete the property at 606 Factory Street and accept the staff's recommendation to demolish it. Motion was seconded by Council Member Roxanne M. Burns and carried with all voting yea except for Council Member Joseph M. Butler, Jr. and Council Member Jeffrey M. Smith voting nay.

In regards to the Lynde Street property, Mayor Graham asked if the demolition could be done so that the site is more buildable and suggested that Habitat for Humanity may be interested in the vacant lot.

In regards to the West Rear Main Street property, Council Member Butler asked if the previous owners could bid on the property.

Attorney Slye answered that it is a public auction so anyone can bid.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

Resolution No. 3 - Authorizing Public Sale of City Owned Tax Sale Certificates

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown is the owner of certain tax sale certificates on various lots of land as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as follows:

<u>Parcel Number</u>	<u>Address</u>	<u>Original Tax Sale Certificate Amount</u>
05-14-103.000	1543 State Street	\$ 3,615.81
04-27-409.000	457 Court Street	\$ 73,558.57

and,

WHEREAS the City Council does not wish to take title to these properties,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 13 adopted by the Council, on June 6, 1977, the Comptroller of the City of Watertown be and he hereby is authorized to publish a Notice of Sale of the tax sale certificates for the land above mentioned once a week for three (3) consecutive weeks in the official newspaper of the City of Watertown to the effect that said parcels of land will, at 6:00

p.m. on the 10th day of October, 2011, in the 3rd Floor City Council Chambers in the Municipal Building, 245 Washington Street, be offered individually for sale to the highest bidder there present, and

BE IT FURTHER RESOLVED that the City Comptroller be and he hereby is authorized to offer for sale said tax sale certificates with the minimum bid starting at \$100 subject to the rights of the said City Council to reject any and all bids, and

BE IT FURTHER RESOLVED that the highest bidder deposit at least 10 percent (10%) of the bid price at the same time of each said bid with the City Comptroller, and

BE IT FURTHER RESOLVED that said tax sale certificates shall be offered for sale for cash only, and

BE IT FURTHER RESOLVED that the said bids shall be submitted to the Mayor and City Council for their approval or rejection, and

BE IT FURTHER RESOLVED that the City reserves the right to withdraw any tax sale certificate prior to the public sale of said certificate.

Seconded by Council Member Roxanne M. Burns and carried with all voting yea.

Resolution No. 4 - Reappointment to the Development Authority of the North Country Board, Thomas H. Hefferson

Introduced by Council Member Jeffrey M. Smith

BE IT RESOLVED that Thomas H. Hefferson, 456 Lachenauer Drive, Watertown, New York, is hereby reappointed to the Development Authority of the North Country Board, such term effective immediately and expiring on September 17, 2016.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Mayor Graham mentioned that Mr. Hefferson was present in the audience and thanked him for his willingness to continue to serve. He asked Mr. Hefferson what the priorities of DANC in relationship to the City.

Thomas Hefferson, stated that in the future the Mercy site will need to be addressed and the City is going to need the help of the County and DANC. He indicated that DANC is trying to be proactive in helping the communities.

Mayor Graham remarked that the City is going to need help with the CFA processes with the state when it is facing issues like Mercy. He added that DANC has relationships with the CFA process and as the City's representative, Mr. Hefferson will need to assist in this.

Mr. Hefferson assured Council that Jim Wright as well as himself will assist with everything possible.

Council Member Butler thanked Mr. Hefferson for his service and hard work.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

ORDINANCES

Ordinance No. 1 - Amending City Municipal Code Section 293-61, Schedule XIII, Parking Prohibited at All Times

Introduced by Council Member Roxanne M. Burns

BE IT ORDAINED that Section 293-61 of the City Code of the City of Watertown is hereby amended by adding the following:

§ 293-61. Schedule XIII: Parking Prohibited at All Times.

Name of Street	Side	Location
Factory Street	North	In front of the parking lot located between 247 and 327 Factory Street

and,

BE IT FURTHER ORDAINED that this amendment shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by Council Member Teresa R. Macaluso

Motion for unanimous consent moved by Council Member Roxanne M. Burns, seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

At the call of the chair, a vote was taken on the foregoing ordinance and carried with all voting yea.

Ordinance No. 2 - Changing the Approved Zoning Classification 203 Clinton Street, Parcel 10-08-122, from Residence A to Limited Business

Introduced by Council Member Jeffrey M. Smith

BE IT ORDAINED where Brian Jones of Aubertine & Currier, on behalf of RCAN LLC, has submitted a request to change the approved zoning classification of 203 Clinton Street, parcel 10-08-122, from Residence A District to Limited Business District, and

WHEREAS the Planning Board of the City of Watertown considered the zone change at its meeting held on September 4, 2012, and adopted a motion recommending that the City

Council approve the zone change as requested, and

WHEREAS a public hearing was held on the proposed zone change on October 1, 2012, after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change,

NOW THEREFORE BE IT ORDAINED that the approved zoning classification of 203 Clinton Street, parcel 10-08-122, is hereby changed to Limited Business District, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by Council Member Joseph M. Butler, Jr.

Motion was made by Council Member Jeffrey M. Smith to schedule a Public Hearing on the foregoing ordinance for Monday, October 1, 2012 at 7:30 p.m. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Ordinance No. 3 - Changing the Approved Zoning Classification of 24 Properties, Between Coffeen Street and the Black River, in Order to Conform to The Local Waterfront Revitalization Program

Introduced by Council Member Joseph M. Butler, Jr.

BE IT ORDAINED where certain changes to Zoning District boundaries are required in order to implement the City of Watertown's Local Waterfront Revitalization Program, and

WHEREAS City Staff have submitted a request to change the approved zoning classification of certain properties between the Black River and Coffeen Street, and

WHEREAS the Planning Board of the City of Watertown considered the zone change request at its meeting held on September 4, 2012, and adopted a motion recommending that the City Council approve the zone changes as requested, and

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to approve the requested zone change, and

WHEREAS a public hearing was held on the proposed zone change on October 1, 2012,

after due public notice, and

WHEREAS the City Council has made a declaration of Negative Findings of the impacts of the proposed zone change according to the requirements of SEQRA,

NOW THEREFORE BE IT ORDAINED that the unzoned portion of the following parcel is hereby zoned **Residence B District**:

7-17-205	720 LAWRENCE ST
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And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Waterfront District**:

7-07-402	410 NEWELL ST
7-07-403	424 NEWELL ST
7-07-401	400 NEWELL ST

And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Commercial District**:

7-08-217	307 HOWK ST
7-08-203	518 COFFEEN ST
7-08-202	510 COFFEEN ST
7-08-201	303 HOWK ST
7-08-205	532 COFFEEN ST
7-08-206	540 COFFEEN ST
7-08-207	546 COFFEEN ST
7-07-322	482 BLACK RIVER PKWY
7-07-319	440 COFFEEN ST
7-08-107	320 HOWK ST
7-08-106	314 HOWK ST
7-08-105	310 HOWK ST
7-08-104	308 HOWK ST
7-08-103	478 COFFEEN ST
7-08-108	324 HOWK ST
7-16-102	556 COFFEEN ST
7-16-101	550 COFFEEN ST

And,

BE IT FURTHER ORDAINED that the zoning classification of each of the parcels in the following list is hereby changed to **Light Industrial District**:

7-16-112.001	341 ENGINE ST
7-16-114	345 ENGINE ST

And,

BE IT FURTHER ORDAINED that the zoning classification of a portion of parcel number 77-01-001, 1 Conrail, being the railroad bed lying between Coffeen Street and the Black River, is hereby changed to **Light Industrial District**, and

BE IT FURTHER ORDAINED that the Zoning Map of the City of Watertown shall be amended to reflect these changes, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown, or printed as the City Manager directs.

Seconded by Council Member Teresa R. Macaluso

Motion was made by Council Member Joseph M. Butler, Jr. to schedule a Public Hearing on the foregoing ordinance for Monday, October 1, 2012 at 7:30 p.m. Motion was seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

DISCUSSIONS

VL Huntington Street

Council Member Smith stated that his concern is that there was a change in the tax map to include this parcel that was a vacant lot. He stated that he was contacted by Mr. Maitland and in reading Judge Gilbert's Order, the City did not have a right to sell the property because of the right of way. He suggested changing the tax map back to the way it appeared prior to the property sale because there is nothing recorded into the deed protecting Mr. Maitland's right of way.

Council Member Burns said that it is her understanding that Mr. Maitland does have a right of way and Mr. Maitland did have a survey done. She stated that she remembers when the sale took place as well as when Sara Daniels wanted her money back because she had brought property without a clear title. She said this has been outstanding since 2007 and is not sure what the resolution is.

Attorney Slye told Council that the City did a quit claim deed which by its very nature does not say that the City owns it or has rights to it. He explained that the buyer paid very little for the property and the money is not going to be returned to them because the City gave them what they asked for. He noted that the bigger issue is determining what rights are involved with these paper streets and routinely these are handled on a case by case basis. He added that no one cared when the property was sold and then Mr. Maitland showed all this concern which should have been expressed prior to the sale.

Council Member Burns acknowledged that there is a property owner that has come to Council with a court ruling and she sees no reason why the tax map cannot be changed back to the configuration that it was before listing this parcel as a right of way.

Council Member Smith read from the court ruling and reiterated that the tax map should be changed.

Brian Phelps, City Assessor explained that the Judge's ruling is that it is a private right of way but the underlying parcel does belong to somebody other than a public entity. He further explained that the only thing that should be missing from the tax map is public streets. He said that all the paper streets were improperly removed from the tax maps.

Council Member Smith said that the current tax map looks like the front end of the paper street is owned by someone.

Mr. Phelps stated that when it was delineated upon sale by the Council, it was added to the tax map. He clarified that this change occurred when the property was sold in 2005 and the court ruling was in 2007. He noted that upon advice of counsel the tax map was not changed because it is a privately owned parcel and does not belong to a public property. He said that once parcels are removed from the tax map, it is very difficult to follow the ownership.

Council Member Smith asked who transferred ownership because the city did not transfer ownership as Attorney Slye just stated. He noted that it is the buyer's job to research who owned the parcel. He stressed that no ownership was transferred and the judge stated that the City had no interest in the parcel in order to transfer ownership.

Mr. Phelps explained that every piece of property that the City transfers is through a quit claim deed in which you make no representation of ownership. He reiterated that the problem is that the piece of property in question should never have been removed from the tax map because that is when you lose the original ownership information.

Council Member Burns said that the conversation is getting very technical but in plain English the situation is that there are two property owners fighting and reaching out to their elected officials for resolution. She summarized from the court ruling that Ms. Daniels and Mr. O'Riley cannot obstruct the Maitland's use of the property but this is happening. She suggested that Attorney Slye research the issue and report back to Council with his recommendations.

Council Member Smith reiterated that he wants the tax map changed back.

Masonic Temple

Kurt Hauk, City Engineer told Council that this building will be condemned for occupancy which means that the general public cannot enter the building until the façade is stabilized.

In regards to making the building in compliance with the City Code, Council Member Butler asked Mr. McCarthy what resources were in place for the immediate concerns.

Mr. McCarthy replied that he is still researching this but the general initial costs will be \$25,000 - \$30,000 to stabilize the building. He stated that in the next few weeks he hopes to have a firm plan. He understands the safety factor but is concerned that this designation will prevent him from bringing in potential investors and wondered if there is a variance he can get for any individuals escorted by him.

Attorney Slye responded that this could be worked out through releases.

Whitewater Park Deck – Maggie's

Mayor Graham summarized the state ruling that the City could rent out half of the deck as along as the City purchased tables and chairs.

Council Member Butler stated that he supports putting furniture on the deck.

Ms. Addison clarified that the State would not approve a concession certificate and offered this option. She stated that the City would need to purchase the tables for the deck and Maggie's could use up to half the tables and ensure free access for the public.

Council Member Smith noted that the City would be providing half the furniture for a private business.

Council Member Burns pointed out that there is only enough room for two to three tables and did not see much of an advantage of this for Maggie's.

Mayor Graham said that this is wording that satisfies the state but Council knows what the practical result is going to be.

Council Member Burns recalled that Mr. Schweitzer did not like the Council's choice of tables in the past.

Mayor Graham responded that there a lot of people that do not like the choice of building materials and colors but they need to understand that if it is public property, then this building is the entity that determines these things. He reminded Council that this deck was never a walkway and the question is whether it is going to be used in any kind of productive way.

Council Member Burns asked if the deck could be rented without the City purchasing more furniture because that would be a waste of money. She said that it is a beautiful deck but it has been nothing but a form of consternation for this body since it was built. She indicated that the deck should have never been built. She stated that she does not have a problem trying to recoup some of the money through a rental agreement but cannot support spending more money on tables.

Attorney Slye clarified that the state is saying that the City can rent them the tables but cannot rent them the deck. He added the City lets people use the sidewalks for sidewalk cafes so he does not understand why the department of state will not allow this.

Council concurred not to pursue this any further at this time.

Maple Court Apartments

Mayor Graham stated that this was discussed at the last work session and pointed out that the legal counsel for the seller of the property was in the audience at that meeting. He summarized that this was on a 40 year PILOT at \$12,000 and assessed under a 581 program which allows it to be assessed based on the unique income potential of affordable housing resulting in a total tax levy of \$36,000 annually against the property. He said that the buyers wanted the City to lock it in at \$24,000 with an escalator of 3% per year but is now offering \$30,000 at 3% per year or \$36,000 at 2% per year. He indicated that the assessment would be approximately 2.9 million so under the 581 program the taxation would be \$70,000 - \$75,000. He pointed out that the potential buyer is resistant to participation in the 581 program leading people to believe there is another agenda and just wants to lock in the taxes for 30 years.

Council Member Smith pointed out that the lock in would be for 70 years.

Mayor Graham mentioned that there is no binding agreement with HUD that requires them to stay in affordable housing.

Council Member Macaluso stated that realistically the buyers could decide not to do low income housing in a few years.

Mayor Graham remarked that he did not feel the individuals were very forth coming at the last meeting.

Council Member Burns and Council Member Macaluso both stated that they did not want to accept the offer.

Council Member Smith agreed and stated that a 70 year PILOT is not fair to any other person in the community that is revitalizing their property. He does not believe that the bank is requiring that they have a locked in tax rate.

Council Member Butler mentioned that they want a locked in revenue stream for Fannie Mae. He said that he is concerned that they are getting subsidies from the federal government and breaks from the state but now want the local tax payers to give them a break. He mentioned that the property uses the police and fire and puts strains on the school district.

Mr. Phelps told Council that the current assessment is 1.5 million but without taking into account real property tax law 581-a, it would be approximately 2.8 million. He confirmed that the buyers' projection was close to that number but with raising the rent up to market rent. Mr. Phelps defined the 581-a program and its advantages but in this case the plan is to get market rents.

Council concurred to not agree to this PILOT.

Letter from Thousand Islands Area Habitat for Humanity

William Davis Jr., Executive Director asked Council to donate three of the properties going to public auction to Habitat for Humanity for possible building sites for several families.

Mayor Graham noted that the properties in question were settled earlier and are going to auction. He remarked that Council appreciates the work of Habitat and knows that they need the sewer and water hooked up at a property on Superior Street.

Council agreed to proceed with this hookup and asked for a resolution to be presented at the next meeting.

Mayor Graham suggested that the Lynde Street property would be a good buildable lot. He noted that the traditional relationship was to provide sites for development.

Mr. Davis mentioned that by renovating existing facilities there is lower cost.

Mayor Graham stated that the City does net some money from some of these properties and would like to see what the marketplace can do first. He would like to continue to help by providing utility connections and building good lots.

Council Member Butler thanked Mr. Davis and stated that everything up to this point has been with new dwellings and asked if there is a change in philosophy.

Mr. Davis responded that they are growing the affiliate which adds to the inventory of homes available for more families.

Board and Commission Appointments

Mayor Graham asked if staff could contact William Parody regarding extending his term on the Board of Assessment Review.

Ms. Addison replied that will be done.

Mayor Graham asked if the Board of Ethics has to have a City Official on it.

Attorney Slye responded that any officer or employee of the City must be on the board.

Mayor Graham recommended that it should not be an employee subordinate to the Council on it because some of ethical issues involve elected officials. He asked Council to give thought to this in order to get these positions filled.

Sales Tax Revenue – August 2012

A report was available for Council to review.

Smoke Free City Vehicles

Council Member Burns asked if the City owned vehicles were smoke free.

Ms. Addison confirmed that they are.

Fireball Run

Council Member Burns noted that the City is laying fiber optic lines along the walkway at the Jefferson County Historical Museum leading from the Stone Street parking lot and asked if it would be completed by the day of the event.

Eugene Hayes, Superintendent of Parks and Recreation stated that he was hoping to have it done by the day before but if not, then a crush run will be compacted down and the equipment will be gone.

Council Member Butler commented that there are some businesses such as Community Bank that will be impacted in a negative way. He asked if the City has reached out to the businesses to let them know the date and plan so that no one is surprised.

Ms. Addison responded that the Chamber of Commerce is taking responsibility for that. She noted that the City is only helping with putting the barricades out.

City Volunteers

Council Member Burns mentioned that City volunteers should be acknowledged and there used to be a program years ago that gave volunteer recognition. She pointed out Mr. Clancy Hopkins has been a long-time volunteer in the City Historian's Office as well as on the Library Board.

Council Member Smith suggested hosting a yearly event at the library.

Fall Drop Off

Council Member Smith asked if there would be a Fall Drop scheduled.

Mr. Hayes replied that it is scheduled for 10/20 and he is working jointly with DANC and the county to do a household and electronic drop off the same day.

ATM

Jim Mills, City Comptroller told Council that he attended a NYCOM conference last week regarding the legalities for the acceptance of credit cards payment. He is meeting with a vendor and ordering the KVS module. He pointed out that convenience fees cannot be added on for

face-to-face payments so he suggested starting with on-line payments first. He hopes to have a staff report for the next meeting.

J.B. Wise Pavilion

Mayor Graham reminded Council that a street was to be named after Mayor Butler last year but it did not happen. He suggested that the new pavilion in the J.B.Wise Parking lot be dedicated to him and asked staff to look in to it.

City Clerk's Office Renovations

Ms. Addison announced that the renovations in the City Clerk's Office will begin this Thursday. The Clerk's Office will close early on Wednesday, September 19th to prepare for the relocation to the 3rd floor of City Hall until Thursday, September 27th.

Motion was made by Council Member Jeffrey M. Smith to move into Executive Session to discuss to discuss the employment history of a particular individual and collective bargaining.

Motion was seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Council moved into Executive Session at 9:09 p.m.

Council reconvened at 10:51 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 10:51 p.m. by motion of Mayor Graham, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

Ann M. Saunders

City Clerk